



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618

Phone 617-727-0660

Fax 617-727-0665

[*www.mass.gov/dps*](http://www.mass.gov/dps)

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

Board Meeting Minutes – April 27, 2015

21st Floor – Conference Room 1

Present Board Members:

- Walter White, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- David D'Arcangelo, Massachusetts Office on Disability Director (DD)
- Andrew Bedar, Member (AB)
- Lisa Pilorz, Member (LP)

and

- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)
- Thomas Hopkins, Executive Director (TH)

Members Not Present:

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Carol Steinberg, Member (CS)
- George Delegas, Member (GD)
- Diane McLeod, Vice Chair (DM)

- Meeting began at approximately 9:00 a.m.

1) Discussion: Roll Call

WW - Call to order all but Carol Steinberg, George Delegas, Raymond Glazier, and Diane McLeod present

2) Incoming: Mugar Life Sciences Building, Northeastern University, 330 Huntington Ave., Boston (V15-095)

TH - EXHIBIT- variance application and supplemental information

- large variance request, send to Board

DM - move to May 11th and send variance application to board in next board packet

AB - second – carries unanimously

3) Incoming: Marsh House, Amherst College, 81 Lessey St., Amherst (V15-089)

TH - EXHIBIT – variance application and supplemental information

- large application should be sent with board packet

DM - move to May 11th and send variance application to board in next board packet

DD - second – carries unanimously

Carol Steinberg, Member (CS) – Now Present

4) Incoming: Middle Gray/Gallery Café, 195 Washington Street, Brookline (V15-085)

TH - EXHIBIT – variance application and supplemental information

- joining two tenant spaces, with 24” change in level

- variance for 29.2.3, change in level

- there is a lift solution and ramp solution presented

- bar room at one side and bathrooms at the other side, requiring people to go outside and back into the other entrance of the tenant space

- ramp takes up 11 seats and lift takes up 4 seats

- lift is \$35,299

DM - Deny

CS - second – carries unanimously

5) Incoming: Kresge Auditorium, MIT Building W16, 106 Vassar Street, Cambridge (V15-081)

TH - EXHIBIT – variance application and supplemental information

- historic building

- life safety upgrades and HVAC

- in 1990 building was upgraded with accessible toilet rooms and 4 lifts

- spending \$14,438,930; value of the building is \$5,483,400 – over 30%

DD - have it sent in May 11th packet to review the variance application

AB - second – carries unanimously

George Delegas, Member (GD) – Now Present

6) Incoming: New Housing, 22-24 Mercer St., South Boston (V15-074)

TH - EXHIBIT – variance application and supplemental information

- new construction

- need to continue for clarification regarding lift versus LULA

- DM - continue for clarification about type of vertical access proposed*
GD - second – carries unanimously

7) Incoming Discussion: 7 Winter Grille, dba 7 Grille, 7 Winter St., Pittsfield (V14-146)

- TH - were seeking time to install a vertical wheelchair lift to the second floor
- lift was not installed and they are using the second floor with no access
- EXHIBIT – e-mail from Jerry Garner, Pittsfield Building Inspector, dated April 10, 2015
- Albert Lou, Pittsfield Building Inspector, April 10, 2015, e-mail
- building department would like to shut down the second floor

DM - have MD issue shut down the second floor until plan for access implemented and proven work is completed

AB - second – carries unanimously

8) Incoming: Article 24 Restaurant, 458 Western Avenue, Brighton (V15-075)

- TH - EXHIBIT – variance application and all supplemental information
- renovation and addition on existing building
- spending over 30%
- seeking two variances; main entrance (6 steps from sidewalk)
- seeking to maintain the entrance as is
- no cost estimates

LP - grant on the condition, that overhand coverage at the rear accessible entrance, with hostess station at the rear accessible entrance, and accessible parking as proposed

DM - second – carries with CS opposed

- TH - second request for the lack of vertical access to basement level, menu and service are the same
- 133 seats at the upper level
- basement level is kitchen and overflow dining with 39 seats, to be used on busy nights
- no private parties held at the lower level
- cost for vertical access will be \$75,000, and will require relocation of electrical service for another (\$20,000)

DM - have them provide a site plan

CS - second – carries unanimously

DM - grant on the conditions proposed: overflow use only, no private parties, same menus at both floor, for this use only

CS - second – carries unanimously

9) Incoming: Tenny Professional Office Suites, aka David Nevens House, 30 River St., Methuen (V15-079)

- TH - EXHIBITS – variance application and supplemental information
- spending over 30%
- proposing first floor access
- seeking variance for the lack of vertical access to the second and third floor (521 CMR 28.1)
- proposing accessible toilet rooms and conference room at the first floor

- DM* - grant on the condition that accessible first floor conference room is available for all offices within the building to be used
AB - second – carries with CS opposed

CS left the room

- 10) Incoming: Greenway Dorms, Amherst College, 20, 22, 24, & 26 Merrill Science Drive, Amherst (V15-087)
TH - EXHIBIT – variance application and supplemental information; Stavros letter, submitted April 14, 2015 from Andy Bristol
- existing shower seats are being vandalized and want to provide portable shower seats upon request

CS now present

- TH - Stavros is opposed to the shower seat proposed, seeking to have the college consider two alternative seats; will support variance, only if one of the two proposed seats is used

- DM* - grant, on the condition that the College uses one of the two suggested seats provided by Stavros
LP - second – carries CS abstaining

- TH - proposing 5 spiral staircases, close to compliant stairs and the elevator

- DM* - grant as proposed
LP - second – carries with CS opposed

- 11) Incoming: Cardinal Spellman High School, 738 Court St., Brockton (V15-082)

- TH - EXHIBIT – variance application and supplemental information
- elevator is being used to access a space that was previously not open to the public
- elevator cab size is 47” by 52 3/8”

- GD* - grant as proposed
CS - second – carries unanimously

- 12) Incoming: 1653 Beacon Street, Brookline (V15-086)

- TH - EXHIBIT – variance application and supplemental information
- slope of walkway is 1:18, proposing no handrails
- walkway to main entrance of proposed restaurant

- DM* - grant as proposed
AB - second – carries unanimously

- 13) Incoming: Mixed Use Building, 150 Main Street, Easton (V15-080)

- TH - EXHIBIT – variance application and supplemental information
- seeking variances for the two existing entrances at the building, creating one new main entrance to create access to both tenant space

- DD - grant as proposed, on the condition that the accessible entrance is built and used as an accessible entrance to both buildings in perpetuity, and register this decision with the registry of deed*
- AB - second – carries unanimously*

14) Incoming: New Academic Arts Building, Middlesex Community College, 240 Central Ave., Lowell (V15-093)

- TH - EXHIBIT - variance application and supplemental information
- spending over 30%
 - seeking variance for two of the accessible toilet rooms, regarding clearance between the grab bars in the wall, seeking a variance to install an 8” high channel

- DM - grant as proposed for grab bars distance from wall*
- CS - second – carries with LP abstaining*

- TH - proposing shorter grab bar along window

- DM - grant as proposed for grab bars being shortened*
- CS - second – carries with LP abstaining*

15) Incoming: Multiple Dwellings, 150 Adams St., Newton (V15-088)

- TH - EXHIBIT – variance application and supplemental information
- project is 90% complete
 - asked for parking plan and Group 1 plans on April 11, 2015
 - asking for sink depths and wall oven unit heights in the three first floor units

- DM - continue until more information submitted as requested by TH on April 11, 2015 regarding parking and Group 1 units*
- CS - second – carries unanimously*

16) Incoming: Boarding House, 41 Light St., Lynn (V15-090)

- TH - EXHIBIT - variance application and supplemental information
- toilet room renovation project; work performed 3.3.1
 - building is not accessible, seeking variance to not provide access within the bathroom

- DM - grant as proposed*
- DD - second – carries unanimously*

17) Incoming: Broken Creek Vineyard, 614 South St., Shrewsbury (V15-078)

- TH - EXHIBIT – variance application and supplemental information
- new vineyard
 - thinks that a hearing would be best

- DM - hearing*
- AB - second – carries unanimously*

18) Incoming: Crystalling/AWAKEN, 67 West Boylston Street, Unit 9, West Boylston (V15-073)

- TH - EXHIBIT- variance application and supplemental information
- installing a float tank, high density salt bath tub
 - seeking variance for no access to the tub (521 CMR 19.1)
 - cost of the lift submitted is excessive without substantial benefit

DM - grant variance for no access, based on technological infeasibility

LP - second – carries unanimously

19) Incoming: Myles Standish State Forest, Charge Pond Campgrounds, Cranberry Road, South Carver (V15-092)

- TH - EXHIBIT- variance application and supplemental information
- 8 camping grounds and 8 comfort stations
 - proposing to update mechanical space, and convert surplus space in the mechanical room into an accessible toilet and shower room
 - dimensions work, but does not meet minimum room requirements
 - they are providing a 36” x 36” transfer shower stall

CS - grant the variance for the use of the unisex shower and toilet room

DM - second – carries unanimously

- TH - seeking variance for handheld shower

LP - but there is an exception in 521 CMR 31.7.7 to allow permanently fixed shower nozzle in this type of facility

DM - no variance required based on 521 CMR 31.7.7 exception

LP - second – carries unanimously

20) Incoming: Bukowski Tavern, 1281 Cambridge St., Cambridge (V15-077)

- TH - EXHIBIT – variance application and supplemental information
- spending over 30%
 - seeking variance for vestibule size and existing sloped landing at existing restaurant
 - automatic door openers already installed

DM - grant as proposed

DD - second – carries unanimously

21) Incoming Discussion: The Station, 28 West Broadway, South Boston (V15-027)

- TH - EXHIBIT – submittal from Joe Hanley, submitted on April 27, 2015, to reconsider the Board’s previous motion
- seeking no access into the tenant space
 - \$120,000 for the installation of the proposed lift
 - proposing a menu board at the sidewalk and the buzzer
 - 1700 square feet is the first floor of the restaurant

CS - *them explore the option of the use of a portable ramp to access*
- *no second – motion fails*

LP - *motion to rescind the previous denial and grant the variance for the lack of access to the restaurant, on the condition that menu board and buzzer at the sidewalk as proposed and web acknowledgement of accommodation policies*

CS - *second – carries with DM abstaining*

22) Hearing: Professional Building, 468 Merrimack Street, Methuen (V12-153)

WW - called to order at 11:00 a.m.
- introduce the Board

Kenneth Knight, Owner (KK)

Mark Dempsey, Compliance Officer for the Board (MD)

WW - both sworn in
- Exhibit 1 – AAB1-58

KK - wants to complete the project, but have financial problems
- it was an addition on the building
- the equipment for the LULA is there and everything is prepped for the LULA
- this winter had to put in an electrical service to the building for the power for the LULA
- work was done by an electrician friend
- Keystone has been paid \$20,000 out of \$28,000
- the woman next door gave the money to construct the additional unit
- the unit that has the LULA in it, is still not completed
- space is on the market
- price was recently reduced for the sale of the building
- have to run the wires from the panel to the LULA electrical
- want to try to pass some of the cost for the finalization of the LULA onto the perspective buyer
- have a showing of the property tonight
- \$10,000 to finish the LULA
- \$8500 owed to Keystone upon completion of the project
- \$20-25,000 to complete the project
- behind on taxes, haven't paid in 2.5 years
- had to put a dormer where the LULA hoistway is
- still owe the contractor that did that dormer \$5,000
- plan from the start was to try to sell the addition
- can get the electrical done prior to selling the property

CS - building is not occupied at all?

KK - yes, it is
- is 100 x 45; occupied in 65 x 40 space, she lives in the second floor

- she was granted occupancy to live on the second floor

TH - been going on for 3 years
- fines are still accruing from a previous fine issuance
- purpose of the hearing was to see when the work is going to get done

WW - she has authority to live there from the town?

KK - unsure, she took care of all that
- she does Tai Chi, with the studio space at the first floor space, lives at second floor

WW - she bought this as a condo from you?

KK - yes, she bought it as a commercial condo
- she called the town and asked them if it was ok to live there

WW - what did you do with the proceeds from the sale of that building?

KK - paid off the over \$200,000 due to the town in back taxes
- there was a lien on the building
- this woman came along and gave him the construction money to build the addition
- they worked out a deal with the city's attorney, and was able to build the building to pay off the taxes owed and remove the lien
- still owe \$10,000 in taxes to the city

CS - AAB21, cannot get into the building because of a step

KK - there is another door that creates access into the Tai Chi studio, that doorway with the step is still not completed
- elevator shaft is there to service both sides of the LULA

CS - plan to finish LULA before sold, or have the purchaser finish the work

- building is on the market, is there any mention of outstanding order from the Board

KK - no, advertised as built to suit
- it is advertised with the elevator

KK - want to comply, if I had the money, the LULA would be done

WW - finishing of the LULA, is all contingent on the sale of the condo unit

DD - is it bank owned or a private mortgage?

KK - it's a private mortgage from a guy in Arizona

DM - is the decision registered with the registry of deeds

- DM* - stay the fines at the amount accumulated to date and hold them in abeyance, and record the decision with the registry of deeds to also include the previous order of the Board; registered within 60 days receipt of the decision of the Board
- LP* - second – carries unanimously

23) Incoming: Sidewalks at SE corner of Boylston (607 Boylston St) and NW corner of Dartmouth St., Boston (V15-094)

- TH - EXHIBIT – variance application and supplemental information
- furniture zone slopes
 - sidewalk work is being done to create consistent design along Boylston Street
 - have to warp the sidewalk to meet the slopes of the sidewalks at the end of the sidewalk reconstruction projects
 - material designation of furniture zone
 - 14.1% cross slope at the furniture zone and 2% at sidewalk
 - most likely will have a brick furniture zone and cement sidewalk

- AB* - grant as proposed
- DD* - second – carries unanimously

CS left the room

24) Incoming Discussion: Little Brook Village Elderly Housing, Buildings A, B, C, D and E, 69 Washington Street, Topsfield (V15-068)

- TH - previously presented at the April 6, 2015, and voted to schedule a hearing
- EXHIBIT – Michelle Auer, submittal on April 23, 2015
 - would like to submit with May 11th packet for review
 - on the building with accessible units, proposing to keep the walkways; at buildings without accessible units, proposing to raise walkways to help with drainage issues

- DM* - send out the submitted information to the Board in the May 11th packet
- LP* - second – carries unanimously

CS now present

25) Incoming: Walkway to Science Building, Boston College, 140 Commonwealth Avenue, Chestnut Hill (V15-091)

- TH - EXHIBIT- variance application and supplemental information
- proposing to reinstall stairs and not provide a ramp

- an accessible route is provided through two adjacent buildings, with new accessible entrance ramps and directional signage regarding the accessible routes

DM - continue for more information, regarding costs and plans for accessible exterior path of travel; and the traveling paths of travel

DD - second – carries unanimously

26) Incoming Discussion: The Frederick LLC, dba Kemble Inn, 2 Kemble St., Lenox (V15-052)

TH - EXHIBIT – April 17, 2015, email from Scott Henderson regarding plans for the Group 2b unit layouts
- on March 23, 2015, denied the variances requested based on the proposed dimensions of the Group 2b bathroom
- they are still arguing that the design complies

DM - uphold denial and reiterate that the design not comply

AB - second – carries unanimously

27) Hearing: Hingham District Court, 28 George Washington Blvd., Hingham (C13-026)

WW - called to order at 1:00 p.m.
- introduce the Board

Stefano Cornelia, Executive Office of the Trial Court Attorney for the Trial Court (SC)

Christopher McQuade, Executive Office of the Trial Court Lease Property Manager (CM)

Mark Dempsey, Compliance Officer for the Board (MD)

WW - all parties sworn in
- EXHIBIT 1 – AAB1-122

MD - complainant is not present
- conducted site visit on April 2, 2015 (report on AAB2-4)
- two issues that were part of the complaint, were the route to the lower parking lot (stairs are part of route), and the lack of accessible parking spaces in the lower parking lot
- there are currently four parking spaces that do not comply with 521 CMR 23

WW - the spaces provided meet the number required
MD - did not take a total count of spaces provided

SC - leased property thru the county
- at one point did repaint the lines, which was the reason for the complaint
- goal is to work with the county to get the work completed and creation of the access aisle
- CM deals specifically with the leased properties

CM - county manager for Plymouth County has left, so working with County Treasurer

- court has been authorized to have their maintenance department paint the lines, but need the County to clear the parking lot of sand and debris
- do have diagrams of what is required

- WW - site plan at all, regarding parking?
- CM - don't have true site plan, would have to get it from the county
- need to make sure that the appropriate number of parking spaces are provided

- SC - AAB3, shows pictures of the parking spaces provided
- lower lot is not lined, would have to determine the number of spaces provided

Shannon McCarthy, Counsel for Plymouth County (SM) – no present

- DM - motion to find in favor of the complainant*
- CS - second – carries unanimously*

- CS - were the petitioners made aware of the number of spaces required?
- MD - sent a copy of section 23 of 521 CMR, which includes the chart for the number of spaces required
- CS - one of the issues was that the complainant was not allowed to park in the accessible parking spaces
- CM - went directly to the employees of the property, and no one claimed that they told anyone that they cannot park there
- SC - contacted the local ADA coordinator for the court, and the chief court officer, there was no accounts that anyone from the court told anyone that they are not allowed to the park in that space
- in the complaint, the complainant refers to a “police officer”, so thinking that it may have been a town police officer
 - the parking is available for persons with plates or placards
 - whomever contacted the complainant is not under the control of the trial court
- MD - there was no signage saying that the parking is limited to court employees
- CS - submit a plan for the parking*
- SC - if over a certain dollar figure, has to go out to bid*
- CM - can use trial court equipment to do the lining, but need permission to line the parking lot from the county and need the county to clean in parking*
- SM - county is willing to cooperate, but need to figure out procurement issues*
- DM - TH can accept the plan*

CS - *submit a plan for parking by May 15, 2015 and stripe and verify compliance with the required parking by June 1, 2015*

DD - *second – carries*

DM - *expedite the decision*

DD - *second – carries unanimously*

MD - complainant reports that the lower level parking complaints, but the accessible parking can be grouped

CS - *dismiss the two complaints regarding the lower level parking, based on the fact that the Petitioners will provide compliant accessible parking spaces at the upper level parking lot as previously ordered*

DD - *second – carries unanimously*

28) Incoming Discussion: Harvard Club, 375 Commonwealth Avenue, Boston (V15-025)

TH - in February, issued a stop work order, and took strong action since they cited ADA and did not address 521 CMR in an appropriate way
- EXHIBIT – Laurie Suave AIA (Burner Cott), submitted on April 1, 2015, revised application
- seeking portable listening devices (521 CMR 14.5)
- assistive listening devices are required to be permanent

CS - *grant the variance for 521 CMR 14.5, on the condition that two complete portable listening device systems are provided*

DM - *second- carries unanimously*

TH - approach to the Comm. Ave. entrance

CS - *grant the variance for the Comm. Ave. entrance lack of access, on the condition that the rear accessible entrance is well maintained and well lit, and there is directional signage, and it is open and unlocked at the same time as the front entrance is open and unlocked*

DM - *second – carries unanimously*

TH - winders at #4 stair?
- AAB 8

CS - *grant the variance for the winder stair #4 (521 CMR 27.2)*

LP - *second- carries unanimously*

TH - proposed compliance in 2025, Phase 2 of the work provided then
- time variances for the following: existing second and third floor men's and women's toilet rooms; and the elevator

- DM - grant 5 year time variance (May 1, 2020) for time variances requested, with status reports every 6 months, beginning January 1, 2016*
- DD - second – carries unanimously*

29) Hearing: Thornes Marketplace, 150 Main Street, Northampton (V14-347)

- WW - call the hearing to order at 2:00 p.m.
- introduce the Board

Emily Estes Baillargeon, Thomas Douglas Architects (EB)
Rich Madowitz, Co-Owner of Thornes Marketplace (RM)
Tom Douglas, Thomas Douglas Architects (TD)

- WW - all sworn in
- EXHIBIT 1 – AAB1-40

- WW - EXHIBIT 2 – Summary of variances requested, submitted by TD, dated April 27, 2015

- TD - marketplace in downtown Northampton
- accessible entrance from lower level parking lot
- can go across raised walkway from garage to the main level of the marketplace
- there is a central elevator
- there is a tenant on the lower level, ice cream shop named Herrell's, which is accessed by steps

- WW - plans referring to are not within the packet and will need to be submitted to the Board

- TD - building is 72,000 square feet, with 51000 sq. ft. of usable space
- used to be a one tenant department store, but currently 25 different tenant spaces
- handrails at the central stair, lead up to main central stair from lower level
- going to add some extensions to the handrails, no variance requested
- seeking time to complete the extensions, but the work will be done this year

- DM - no variance is required for the lack of handrail extensions at the lower stair, based on the fact that the work is proposed to be completed within this initial phase of work*
- CS - second – carries unanimously*

- TD - central stair, seeking variances for historic handrails

- DM - grant the variances requested for the central stair, on the condition that a compliant wall side handrail is provided*
- CS - second – carries unanimously*

- TD - another historic stair, also a central historic stair
EB - AAB20, shows the stairway in question

TD - secondary central stair

DM - *grant the variances requested for the secondary central stair, on the condition that a compliant wall side handrail is provided*

LP - *second – carries unanimously*

TD - floor indicator for the historic elevator, would like to maintain the exterior floor indicator

DM - *grant the variance to maintain the existing elevator hall lanterns (28.4 and 28.4.1)*

CS - *second – carries unanimously*

TD - lowest level access from parking lot, 19% slope
- seeking time variance to comply in 2018 construction project
- proposing to extend the ramp to create a compliant ramp; one small section of the area would not be able to be raised in order to meet the threshold of the elevator

RM - can be done by April 30, 2018

TD - also seeking a variance for the lack of a level landing

CS - handrails noted on AAB23, done by 2015?

TD - no, proposing to add the handrails in 2018 project

DM - *grant the variances requested (lack of level landing, compliant cross slopes, and time variance), allowing until May 1, 2018 for the proposed solution; with signage warning people of steep slope at the path of travel in the public corridor inside the entrance*

CS - *second – carries unanimously*

TD - rear entrance to the building

RM - AAB25

- concrete steps leading up to the door
- vestibule double leaf doors are not compliant with maneuvering clearances
- would like to add compliant handrails with current project
- seeking outright variance for the lack of compliant doorway at the entrance and the noncompliant vestibule, lower level 1 rear entry vestibule

CS - *grant a variance for the lack of compliance at the lower level 1 rear entry vestibule, for the vestibule and noncompliant doors*

AB - *second – carries unanimously*

CS - where does the door lead you to?

CS - *grant the lack of access at the lower level 1 rear entrance*

LP - *second – carries unanimously*

- TD - ramp up to a tenant space, ramp was built 60-70 years ago
 - need to extend the ramp to make the ramp comply
 - seeking until 2018
- DD - grant time variance to maintain existing ramp to lower level tenant, on the condition that compliant ramp as proposed is installed by May 1, 2018*
- DM - second- carries unanimously*
- TD - steps up to the existing tenant space
 - seeking time to eliminate the steps leading down to the tenant space in question, to building a fully compliant ramp down to that level by 2018
- DD - grant as proposed to allow until May 1, 2018 to provide the proposed ramp to the lower level tenant accessed by stairs (Herrell's Ice Cream)*
- DM - second – carries with CS opposed*
- TD - spiral staircase between tenant spaces, of restaurant
- DD - grant variance for noncompliant winder stairs*
- DM - second- carries with CS opposed*
- TD - vestibule clearances at the Old South Street sidewalk building entrance to the tenant space
- RM - 3 floors at the front of the building and 5 floors at the rear of the building
- DD - grant the variance for the lack of compliance at the old south street entrances*
- DM - second – carries unanimously*
- TD - bathroom at the main level
- EB - bathroom shown on AAB31, proposed on AAB32
- TD - seeking a time variance to create an accessible men's room and eliminate one of the toilet rooms in the women's rooms to create an accessible toilet stall
- DD - grant a time variance to allow for the proposed solution to be completed by May 1, 2018*
- DM - second – carries unanimously*
- EB - AAB19/33
- TD - vestibule at Main Street entrance
 - do not have required clearance
 - there is an accessible entrance along the same storefront, which is notably the “main entrance” to the building

DM - grant on the condition that automatic door openers are installed during current project

DD - second – carries unanimously

DM - rescind the previous motion

DD - second – carries unanimously

DM - granting the variance for the tenant entrance on main street, on the condition that the corridor main entrance has an automatic door opener proposed to be installed during this project

LP - second – carries unanimously

LP - no variance required for K, since handrails will comply in the current project

DM - second – carries unanimously

TD - first floor toilet room, have to go down two steps to get to that level
- cannot do a ramp in that location, and cannot raise floor due to structural restrictions
- can make the bathroom accessible but can't create a route to it

EB - AAB35

TD - seeking a variance for the two steps to the bathroom, and propose to update the toilet room to create access, but making a route to it is infeasible
- long term leases for all tenant spaces, so cannot take over the spaces from existing tenants
- no existing bathrooms that are accessible

NO MORE DM

DD - can you shift the steps over?

EB - that part of the building is lower than the other level
- third floor is a usable accessible bathroom, but does not comply in full

CS - there is a restaurant that has an accessible toilet room

RM - they are letting people use the toilet room if requested

DD - what is the use on that floor?

TD - retail

TD - the bathrooms within the first floor restaurant are used upon request when needed

DD - how many tenant spaces?

TD - 25

RM - intent is to do the work before 2018

CS - *grant the variances requested for L and M, require that the proposed work is completed May 1, 2018, on the condition that bathroom P is modified as proposed during this current project; and directional signage is posted at the L and M directing people to accessible bathrooms*

LP - *second – carries unanimously*

TD - second floor bathroom N, proposing to comply by 2018

LP - *grant the time variance to May 1, 2018, on the condition that bathroom P is provided during current construction*

DD - *second, on the condition that swing of the accessible toilet stall is changed to swing in the other direction* - *carries unanimously*

TD - 3rd floor unisex toilet rooms
- 34 inches instead of the required 42"

DD - *grant the variance for the lack of clearance in front of the toilet and the size of the room (30.7.1 and 30.7.1), on the condition that the work is done during this phase of construction*

LP - *second – carries unanimously*

DD - *progress report submitted annually starting December 1, 2016*

AB - *second – carries unanimously*

30) Incoming: Belmont Memorial Library, 336 Concord Avenue, Belmont (V15-074)

TH - EXHIBIT- variance application and supplemental information
- existing elevator cab is 36" by 56"
- modernization project
- the cab fits tight in the existing shaft

LP - *grant as proposed*

DD - *second – carries unanimously*

CS left the room

31) Incoming: Clarke Elementary School, 100 Middlesex Avenue, Swampscott (V15-083)

TH - EXHIBIT – variance application and supplemental information
- proposing to install a vertical wheelchair lift
- building is less than three stories

LP - *no variance is required since it meets the exceptions of 28.12.2, since the building is less than 3 stories*

DD - second – carries unanimously

32) Incoming: Residencias Betances (Bay Cove Housing), 326 Shawmut Avenue, Boston (V15-059)

TH - EXHIBIT – variance application and supplemental information
- previously sent to the Board to review the entire packet

LP - grant as proposed, on the condition that alternate locations for accessible housing are provided as proposed at other buildings within the portfolio and within the existing neighborhood

DD - second – carries unanimously

33) Incoming Discussion: 480 Main Street, Malden (V15-076)

TH - EXHIBIT – email from Robert Carter, April 24, 2015
- did not bring up issue along Dartmouth Street, on the back side of the existing project, need to warp the sidewalk to meet the existing sidewalks

LP - amend the previously granted variance to include the Dartmouth street issues

AB - second – carries with DD abstaining

CS now present

34) Advisory Opinion: 397 Moody Street, Waltham

TH - EXHIBIT – DB2 Architecture, Ira Baline, submitted on April 21, 2015
- second floor tenant has asked an opinion regarding required accessibility for leased space
- no prior occupancy records for the second floor tenant, therefore the building department is treating the use as a new use
- building department is requiring access based on change in use (521 CMR 3.4)

DD - variance is required, send letter stating as such

AB - second- carries unanimously

35) Discussion: Meeting Minutes and Decisions from April 6, 2015

CS - proposed modifications

LP - accept the minutes and decisions as amended for April 6, 2015

CS - second – carries unanimously

36) Advisory Opinion: AmRamp Advisory, Stephen Turner

TH - they want to use the rounded joints for “permanent” ramps, and propose silicone overlay in the “temporary” installation of ramps

- EXHIBIT – e-mail from Stephen Turner
- proposing silicone over the connecting bolts for the temporary ramps; and propose the tubular connection for the “permanent” ramps

KS - need to clarify what the Board accepts

CS - *prototype should be what is used for all installations, which the Board considers temporary*
 DD - *second – carries unanimously*

- End of Meeting -

Matters not reasonably anticipated 48 hours in advance of meeting

- 397 Moody Street, Waltham - DB2 Architecture, Ira Baline, submitted on April 21, 2015

EXHIBITS:

- Mugar Life Sciences Building, Northeastern University, 330 Huntington Ave., Boston (V15-095) - variance application and supplemental information
- Marsh House, Amherst College, 81 Lessey St., Amherst (V15-089) - variance application and supplemental information
- Middle Gray/Gallery Café, 195 Washington Street, Brookline (V15-085) - variance application and supplemental information
- Kresge Auditorium, MIT Building W16, 106 Vassar Street, Cambridge (V15-081) - variance application and supplemental information
- 1653 Beacon Street, Brookline (V15-086) - variance application and supplemental information
- Mixed Use Building, 150 Main Street, Easton (V15-080) - variance application and supplemental information
- New Academic Arts Building, Middlesex Community College, 240 Central Ave., Lowell (V15-093) - variance application and supplemental information
- Multiple Dwellings, 150 Adams St., Newton (V15-088) - variance application and supplemental information
- Boarding House, 41 Light St., Lynn (V15-090) - variance application and supplemental information
- Broken Creek Vineyard, 614 South St., Shrewsbury (V15-078) - variance application and supplemental information
- Crystalling/AWAKEN, 67 West Boylston Street, Unit 9, West Boylston (V15-073) - variance application and supplemental information
- Myles Standish State Forest, Charge Pond Campgrounds, Cranberry Road, South Carver (V15-092) - variance application and supplemental information
- Bukowski Tavern, 1281 Cambridge St., Cambridge (V15-077) - variance application and supplemental information
- Sidewalks at SE corner of Boylston (607 Boylston St) and NW corner of Dartmouth St., Boston (V15-094) - variance application and supplemental information
- Walkway to Science Building, Boston College, 140 Commonwealth Avenue, Chestnut Hill (V15-091) - variance application and supplemental information

- New Housing, 22-24 Mercer St., South Boston (V15-074) - variance application and supplemental information
 - Article 24 Restaurant, 458 Western Avenue, Brighton (V15-075) - variance application and all supplemental information
 - Tenny Professional Office Suites, aka David Nevens House, 30 River St., Methuen (V15-079) - variance application and supplemental information
 - Greenway Dorms, Amherst College, 20, 22, 24, & 26 Merrill Science Drive, Amherst (V15-087) - variance application and supplemental information; Stavros letter, submitted April 14, 2015 from Andy Bristol
 - Cardinal Spellman High School, 738 Court St., Brockton (V15-082) - variance application and supplemental information
 - Belmont Memorial Library, 336 Concord Avenue, Belmont (V15-074) - variance application and supplemental information
 - Clarke Elementary School, 100 Middlesex Avenue, Swampscott (V15-083) - variance application and supplemental information
 - Residencias Betances (Bay Cove Housing), 326 Shawmut Avenue, Boston (V15-059) - variance application and supplemental information
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- 7 Winter Grille, dba 7 Grille, 7 Winter St., Pittsfield (V14-146) - e-mail from Jerry Garner, Pittsfield Building Inspector, dated April 10, 2015; Albert Lou, Pittsfield Building Inspector, April 10, 2015, e-mail
 - The Station, 28 West Broadway, South Boston (V15-027) - submittal from Joe Hanley, submitted on April 27, 2015, to reconsider the Board's previous motion
 - Little Brook Village Elderly Housing, Buildings A, B, C, D and E, 69 Washington Street, Topsfield (V15-068) - Michelle Auer, submittal on April 23, 2015
 - The Frederick LLC, dba Kemble Inn, 2 Kemble St., Lenox (V15-052) - April 17, 2015, email from Scott Henderson regarding plans for the Group 2b unit layouts
 - Harvard Club, 375 Commonwealth Avenue, Boston (V15-025) - Laurie Suave AIA (Burner Cott), submitted on April 1, 2015, revised application
 - 480 Main Street, Malden (V15-076) - email from Robert Carter, April 24, 2015
 - AmRamp Advisory, Stephen Turner - e-mail from Stephen Turner